

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VANN HOW,)	
)	CASE NO. C10-1661-RAJ
Petitioner,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
ERIC HOLDER, Attorney General of the)	
United States, et al.,)	
)	
Respondents.)	
_____)	

On March 13, 2010, Vann How (“petitioner”), proceeding through counsel, filed an Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, which challenges the lawfulness of his removal from the United States under *Padilla v. Kentucky*, __ U.S. __, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010)(finding a defense attorney’s representation deficient where he failed to advise the defendant of the immigration consequences of his guilty plea). (Dkt. 1.) The Court subsequently entered a temporary stay of removal pending briefing and a resolution of petitioner’s request for stay. (Dkt. 3.) On October 28, 2010, however, the parties filed a stipulated motion for dismissal, which states, “Petitioner How has decided that he no longer wishes to contest the final order of deportation and does not wish to delay his

01 deportation through further litigation.” (Dkt. 10 at 1.) The parties therefore stipulate and
02 agree that this matter may be dismissed without prejudice and without award of costs to either
03 party. *Id.*

04 Pursuant to the stipulation and agreement of the parties, the Court recommends that this
05 matter be dismissed without prejudice and without award of costs to either party. A proposed
06 Order accompanies this Report and Recommendation.

07 DATED this 1st day of November, 2010.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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